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Attorneys for Debtors
and Debtors in Possession

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	
	:
In re	: Chapter 11 Case No.
	:
MOTORS LIQUIDATION COMPANY, et al.,	: 09-50026 (REG)
f/k/a General Motors Corp., et al.	:
	:
Debtors.	: (Jointly Administered)
	:
-----X	

**NOTICE OF HEARING ON DEBTORS' OBJECTION
TO PROOF OF CLAIM NO. 70464 FILED BY BEVERLY E. SMITH**

PLEASE TAKE NOTICE that upon the annexed Objection, dated December 3, 2010 (the "**Objection**") of Motors Liquidation Company (f/k/a General Motors Corporation) and its affiliated debtors, as debtors in possession (collectively, the "**Debtors**"), to the allowance of Proof of Claim No. 70464 filed by Beverly E. Smith, all as more fully set forth in the Objection, a hearing will be held before the Honorable Robert E. Gerber, United States Bankruptcy Judge, in Room 621 of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004, on **January 6, 2011 at 9:45 a.m. (Eastern Time)**, or as soon thereafter as counsel may be heard.

PLEASE TAKE FURTHER NOTICE that any responses to the Objection must be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of

the Bankruptcy Court, and shall be filed with the Bankruptcy Court (a) electronically in accordance with General Order M-399 (which can be found at www.nysb.uscourts.gov) by registered users of the Bankruptcy Court's filing system, and (b) by all other parties in interest, on a CD-ROM or 3.5 inch disk, in text-searchable portable document format (PDF) (with a hard copy delivered directly to Chambers), in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, and served in accordance with General Order M-399 and on (i) Weil, Gotshal & Manges LLP, attorneys for the Debtors, 767 Fifth Avenue, New York, New York 10153 (Attn: Harvey R. Miller, Esq., Stephen Karotkin, Esq., and Joseph H. Smolinsky, Esq.); (ii) the Debtors, c/o Motors Liquidation Company, 500 Renaissance Center, Suite 1400, Detroit, Michigan 48243 (Attn: Ted Stenger); (iii) General Motors, LLC, 400 Renaissance Center, Detroit, Michigan 48265 (Attn: Lawrence S. Buonomo, Esq.); (iv) Cadwalader, Wickersham & Taft LLP, attorneys for the United States Department of the Treasury, One World Financial Center, New York, New York 10281 (Attn: John J. Rapisardi, Esq.); (v) the United States Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 2312, Washington, D.C. 20220 (Attn: Joseph Samarias, Esq.); (vi) Vedder Price, P.C., attorneys for Export Development Canada, 1633 Broadway, 47th Floor, New York, New York 10019 (Attn: Michael J. Edelman, Esq. and Michael L. Schein, Esq.); (vii) Kramer Levin Naftalis & Frankel LLP, attorneys for the statutory committee of unsecured creditors, 1177 Avenue of the Americas, New York, New York 10036 (Attn: Thomas Moers Mayer, Esq., Robert Schmidt, Esq., Lauren Macksoud, Esq., and Jennifer Sharret, Esq.); (viii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004 (Attn: Tracy Hope Davis, Esq.); (ix) the U.S. Attorney's Office, S.D.N.Y., 86 Chambers Street, Third Floor, New York, New York 10007 (Attn: David S. Jones,

Esq. and Natalie Kuehler, Esq.); (x) Caplin & Drysdale, Chartered, attorneys for the official committee of unsecured creditors holding asbestos-related claims, 375 Park Avenue, 35th Floor, New York, New York 10152-3500 (Attn: Elihu Inselbuch, Esq. and Rita C. Tobin, Esq.) and One Thomas Circle, N.W., Suite 1100, Washington, DC 20005 (Attn: Trevor W. Swett III, Esq. and Kevin C. Maclay, Esq.); (xi) Stutzman, Bromberg, Esserman & Plifka, A Professional Corporation, attorneys for Dean M. Trafelet in his capacity as the legal representative for future asbestos personal injury claimants, 2323 Bryan Street, Suite 2200, Dallas, Texas 75201 (Attn: Sander L. Esserman, Esq. and Robert T. Brousseau, Esq.); and (xii) Beverly E. Smith, 717 Madison Place, Washington, DC 20439, so as to be received no later than **December 30, 2010, at 4:00 p.m. (Eastern Time)** (the “**Response Deadline**”).

PLEASE TAKE FURTHER NOTICE that if no response is timely filed and served with respect to the Objection, the Debtors may, on or after the Response Deadline, submit to the Bankruptcy Court an order substantially in the form of the proposed order annexed to the Objection, which order may be entered with no further notice or opportunity to be heard offered to any party.

Dated: New York, New York
December 3, 2010

/s/ Joseph H. Smolinsky

Harvey R. Miller
Stephen Karotkin
Joseph H. Smolinsky

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**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
	:	
In re	:	Chapter 11 Case No.
	:	
MOTORS LIQUIDATION COMPANY, et al.,	:	09-50026 (REG)
f/k/a General Motors Corp., et al.	:	
	:	
Debtors.	:	(Jointly Administered)
	:	
-----X		

**DEBTORS' OBJECTION TO
 PROOF OF CLAIM NO. 70464 FILED BY BEVERLY E. SMITH**

TO THE HONORABLE ROBERT E. GERBER,
 UNITED STATES BANKRUPTCY JUDGE:

Motors Liquidation Company (f/k/a General Motors Corporation) ("**MLC**") and
 its affiliated debtors, as debtors in possession (collectively, the "**Debtors**"), respectfully
 represent:

Relief Requested

1. The Debtors file this Objection (the "**Objection**"), pursuant to section
 502(b) of title 11 of the United States Code (the "**Bankruptcy Code**"), Rule 3007(a) of the
 Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"), and this Court's order
 establishing the deadline for filing proofs of claim against MLC and certain other Debtors (the

“**Bar Date**”) and the procedures relating to the filing of proofs of claim against MLC and certain other Debtors (the “**Bar Date Order**”) (ECF No. 4079), seeking entry of an order disallowing and expunging Proof of Claim No. 70464 (the “**Smith PoC**,” a copy of which is annexed herein as **Exhibit “A”**) filed by Beverly E. Smith (“**Claimant**”) on behalf of himself and “all others all homeless.”¹ The Smith PoC seeks damages in the amount of \$75 trillion.

2. The Debtors have examined the Smith PoC and have made every effort to ascertain the nature and validity of it. However, in light of the failure of the Smith PoC to set forth a cognizable legal and factual basis, together with the insufficient documentation provided by Claimant, and the fact that the Smith PoC has been filed almost 11 months *after* the Bar Date, the Debtors request the entry of an order disallowing and expunging the Smith PoC from the Debtors’ claims register in its entirety.

Jurisdiction

3. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

Relevant Facts to the Smith PoC

4. On September 16, 2009, this Court entered the Bar Date Order which, among other things, established November 30, 2009 as the Bar Date and set forth procedures for filing proofs of claim. The Bar Date Order requires, among other things, that a proof of claim must “set forth with specificity the legal and factual basis for the alleged [c]laim [and] include supporting documentation or an explanation as to why such documentation is not available.” Bar

¹ No basis is indicated for this to be considered a class action claim, nor has Claimant sought approval from the Court to represent the interest of any other party. *See* Fed. R. Bankr. P. 2019 (requiring purported agents representing more than one creditor to file a verified statement setting forth the basis of that representative’s right to act for the represented creditors).

Date Order at 2.² On or before October 15, 2009, the Debtors published notice of the Bar Date in nine publications including, without limitation, Financial Times, The Wall Street Journal (Global Edition – North America, Europe, and Asia), The New York Times (National) and USA Today (Monday through Thursday, National).

5. On or about October 19, 2010, Claimant filed the Smith PoC (Proof of Claim No. 70464) against the Debtors and certain other parties, including “Lehman Brothers” claiming “\$75 Trillion (Net American Dollars).” The Smith PoC references a certain lawsuit as the basis for the claim -- *Smith et al. v. Wagner et al.*, Case No. 05-cv-04457 (JCJ) (E.D. Pa. 2005) (hereinafter, the “**Smith Civil Action**”).³ From what the Debtors have been able to piece together:

- The Smith Civil Action appears to be a federal district court action that relates to two state court actions in which Claimant was a party involving a divorce action (Case No. 2000-FC-1453) and a custody action (Case No. 2004-FC-1099). Both state court actions were filed in the Lehigh County Court of Common Pleas.
- The Smith Civil Action was commenced by Claimant on August 22, 2005 and was closed by the United States District Court for the Eastern District of Pennsylvania (the “**District Court**”) on June 15, 2006 after determining that it did not have subject matter jurisdiction over any of the matters asserted by Claimant. See Order of June 15, 2006 attached herein as **Exhibit “B.”**
- Thereafter, Claimant filed several other pleadings which caused the District Court to issue an order on October 14, 2009 precluding Claimant “from making any further filings in this case and [ordering] the Clerk of the Court [not to] accept further filings in this case.” See Order of October 14, 2009 attached herein as **Exhibit “C”** (noting in footnote 1 that Claimant had “filed several motions, all of which were unintelligible”).

² Notices of the Bar Date Order contained express references to this requirement.

³ Notably the Smith Civil Action does not involve the Debtors in the litigation nor any former employee or member of the Debtors’ board of directors. Defendant Mary B. Wagner (apparently, Claimants’ former wife) should not be confused with the Debtors’ former chief executive officer, Rick Wagoner.

Claimant Has Failed to Allege Sufficient Facts In Support of the Claims

6. The Debtors object to the Smith PoC because it fails to allege facts sufficient to support a claim against the Debtors. A proof of claim which is “so lacking in supporting evidence and logical linkage to the Debtors’ cases . . . [is] not entitled to any presumption that [it is] *prima facie* valid, and the burden of proof . . . shift[s] to [the claimant].” *See Lehman Bros. Holdings Inc. v. Kuntz (In re Lehman Bros. Holdings Inc.)*, Case No. 08-13555 (JMP), 2010 WL 4848173, at *2 (Bankr. S.D.N.Y. Nov. 10, 2010); *see also Helliwell v. George R. Burrows, Inc. (In re George R. Burrows, Inc.)*, 156 F.2d 640, 641 (2d Cir. 1946) (“as soon as the trustee introduced any substantial evidence in opposition the claimants needed to establish by a preponderance of all the evidence that the claims as filed were based on facts which entitled the claimants to their allowance under the law. The burden of over-all proof was then on the claimants.”); *In re Oneida Ltd.*, 400 B.R. 384, 389 (Bankr. S.D.N.Y. 2009); *In re Adelphia Commc’ns Corp.*, Ch. 11 Case No. 02-41729 (REG), 2007 Bankr. LEXIS 660 at *15 (Bankr. S.D.N.Y. Feb. 20, 2007); *In re Rockefeller Ctr. Props.*, 272 B.R. 524, 539 (Bankr. S.D.N.Y. 2000).

7. Here, the Smith PoC is completely unintelligible. The asserted basis for the claim -- the Smith Civil Action -- bears no obvious relation to the Debtors and fails to provide any legal or factual support for a claim, much less one against the Debtors. *See Lehman Bros. Holdings*, at *4 (explaining that “[c]laimants, at a minimum, need to be able to give an understandable offer of proof indicating that some evidence actually exists (not simply may exist) to establish a claim’s validity” and that the burden is a particularly heavy one when the claim is not based on any clearly identifiable relationship with the debtor). Accordingly, the Smith PoC cannot be afforded *prima facie* validity under the Bankruptcy Code.

The Smith PoC Is Late

8. Section 502(b)(1) of the Bankruptcy Code provides, in relevant part, that a claim may not be allowed to the extent that “proof of such claim is not timely filed.” 11 U.S.C. § 502(b)(1). If objected to, an untimely claim shall be disallowed unless the claim was tardily filed as permitted under the Bankruptcy Rules. *Id.* § 502(b)(9). The Smith PoC was filed on or about October 19, 2010 -- almost 11 months *after* the Bar Date. Moreover, Claimant has not filed a motion under Bankruptcy Rule 9006(b)(1) which governs the admission of proofs of claim filed after a court-ordered bar date. *See Pioneer Inv. Serv. v. Brunswick Assocs. L.P.*, 507 U.S. 380, 382 (1993) (noting that Bankruptcy Rule 9006(b)(1) “empowers a bankruptcy court to permit a late filing if the movant’s failure to comply with an earlier deadline ‘was the result of excusable neglect’”).

9. The *Pioneer* Court established five factors in consideration of what constitutes excusable neglect: (1) the degree of prejudice to the debtors; (2) the length of the delay and its potential impact on judicial proceedings; (3) the reason for the delay, including whether it was within the reasonable control of the claimant; (4) whether the claimant acted in good faith; and (5) if a claimant had counsel, whether a claimant should be penalized for their counsel’s mistake or neglect. *Id.* at 385, 387. In applying *Pioneer*, the Second Circuit has adopted what can be characterized as a hard line test for determining whether a party’s neglect is excusable. *In re Enron Corp.*, 419 F.3d 115, 122-23 (2d Cir. 2005). The Second Circuit focuses on the “reason for the delay” and cautions that rarely will the equities favor a claimant who fails to follow a clear court rule. *Id.* at 123.

10. Here, Claimant has filed the Smith PoC almost a year after the Bar Date and more than a month after the Debtors have filed their chapter 11 plan of liquidation. It would

be severely prejudicial to other claimants and these judicial proceedings to now have to reserve distributions for the Smith PoC, particularly given the absurdity of the \$75 trillion claimed. Accordingly, the Debtors request that the Smith PoC be disallowed and expunged from the Debtors' claim register.

Conclusion

11. The Debtors are aware of Claimant's asserted homeless condition and are sympathetic with the challenges he apparently has lived. Nevertheless, there is no basis for allowing a claim against the Debtors to the detriment of other creditor constituencies. *See Adelpia Commc'ns Corp.*, 333 B.R. 649, 666 (S.D.N.Y. 2005) (explaining that "the function of the Bankruptcy Code . . . is to achieve the maximum distribution to creditors in the minimum time") (internal quotation omitted).

[The Remainder of This Page Has Intentionally Been Left Blank]

Notice

12. Notice of this Motion has been provided to Claimant (at the address provided in the Smith PoC) and parties in interest in accordance with the Fourth Amended Order Pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 1015(c) and 9007 Establishing Notice and Case Management Procedures, dated August 24, 2010 (ECF No. 6750). The Debtors submit that such notice is sufficient and no other or further notice need be provided.

13. No previous request for the relief sought herein has been made by the Debtors to this or any other Court.

WHEREFORE the Debtors respectfully request entry of an order granting the relief requested herein and such other and further relief as is just.

Dated: New York, New York
December 3, 2010

/s/ Joseph H. Smolinsky

Harvey R. Miller
Stephen Karotkin
Joseph H. Smolinsky

WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

Attorneys for Debtors
and Debtors in Possession

Exhibit "A"

Legal and Equitable Claims (s) ... Motors, And Petitions to Reconsider also ...
 now page 5 of 5

7015854

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

PROOF OF CLAIM

Name of Debtor (Check Only One)

☒ Motors Liquidation Company (f/k/a General Motors Corporation)

Case No

09-50026 (REG)

☒ MLCS, LLC (f/k/a Saturn, LLC)

09-50027 (REG)

☒ MLCS Distribution Corporation (f/k/a Saturn Distribution Corporation)

09-50028 (REG)

☒ Lehman Brothers (Lehman Brothers) See Bankruptcy Court Order, dated

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case, but may be used for purposes of asserting a claim under 11 U.S.C. § 503(b)(9) (see Item # 4). All other requests for payment of an administrative expense should be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property) B E SMITH AND ALL OTHERS ALL HOMELESS

Name and address where notices should be sent

B E SMITH AND ALL OTHERS ALL HOMELESS
CO THE US SUPREME COURT CO 717 MADISON PLACE
AGAIN 10112010
PED5CV4457 AND ALL OTHERS
WASHINGTON DC 20439☐ Check this box to indicate that this claim amends a previously filed claim

Court Claim Number Fed. 5-CV-4457

(If known) And All Others

Filed on Back to Apprx.
2000 - 2001

Telephone number

Email Address federal subpoena 24th Nov, 2009

Name and address where payment should be sent (if different from above)

B E Smith and others, c/o Marie Smith
151 West Mountain Road Apt #5
Allentown, Pa. 18103☐ Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars☐ Check this box if you are the debtor or trustee in this case

Telephone number

Marie's Number
610-797-2027

FILED - 70464 -

MOTORS LIQUIDATION COMPANY
F/K/A GENERAL MOTORS CORP
SDNY # 09-50026 (REG)

1 Amount of Claim as of Date Case Filed, June 1, 2009

\$ 75 Trillion (Net Amount)

If all or part of your claim is secured, complete item 3 below, however, if all of your claim is unsecured, do not complete item 3. If all or part of your claim is entitled to priority, complete item 4.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

2 Basis for Claim

(See instruction #2 on reverse side)

Please see all Federal Power Act and US Court documents, all Lehigh
County Pa they must move over to Federal Courts
An US States, Spm etc etc etc

3 Secured Claim (See instruction #3 on reverse side)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information

Nature of property or right of setoff

☐ Real Estate ☐ Motor Vehicle ☐ Equipment ☐ Other

Value of Property \$

Annual Interest Rate %

Please see Federal Power Act

Amount of arrearage and other charges as of time case filed included in secured claim, if any, \$

Basis for perfection

Amount of Secured Claim \$

Amount Unsecured \$

5 Credits The amount of all payments on this claim has been credited for the purpose of making this proof of claim

6 Documents Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 6 on reverse side)

DO NOT SEND ORIGINAL DOCUMENTS ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING

If the documents are not available, please explain in an attachment

Date
12/12/2010

Signature The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

B E Smith and others / B E Smith and others (Homeless) My hand it correct.

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both 18 U.S.C. §§ 152 and 3571

Modified B10 (GCC) (12/08)

FOR COURT USE ONLY

OCT 19 2010

1967396057

10 Motions and Petitions to Revoke . . .

AO 88 (Rev. 06/09) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action

Page 165

Encl 47

SPML, US Court of Appeals (All Names), US Supreme Court
A Class Action
B E. Smith & All others (All themselves)
Plaintiff
Too Many Too Little Place see Federal
Defendant
Account US Courts (All) Fed: 5-Cv-4457 & All others
SUBPOENA TO APPEAR AND TESTIFY
AT A HEARING OR TRIAL IN A CIVIL ACTION
To: United States Bankruptcy Court, S.D.N.Y., One Bowling Green, New York, New York 10007 (All
To: Rooms all entities and all individuals) re all others and all entities legally
faxed to (all numbers on legal page #3.)
YOU ARE COMMANDED to appear in the United States district court at the time, date, and place set forth below
to testify at a hearing or trial in this civil action When you arrive, you must remain at the court until the judge or a court
officer allows you to leave If you are an organization that is not a party in this case, you must designate one or more
officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following
matters, or those set forth in an attachment Please send: 1) All legal filings, all websites
forms, instructions, all US court dockets, all court dockets, (all ways) are again updated legally
and equitably. Please see all recent legal filings (http://www.uscourts.gov and more.)

Place It you can't read, please call / email
legally federalsubpoena@yahoo.com

Courtroom No
Date and Time

You must also bring with you the following documents, electronically stored information, or objects (blank if not applicable) Please send

1) <http://www.snl.com/ipWebLink/makers.aspx?sid=100383> (and especially
all Annual Reports and member firms.)

The provisions of Fed R Civ P 45(c), relating to your protection as a person subject to a subpoena, and Fed
R Civ P 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing
so, are attached 1) <https://ecds.psc.uscourts.gov/cgi-bin/DktRpt.pl?47222>

6250911945-L-9660-1 (all documents - legal and equitable)

Date: 10/12/2010

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Signature of Attorney

Pro Se

Attorney's
Action
All
Homes

The name, address, e-mail, and telephone number of the attorney representing (name of party)

1000 The US Supreme Court, who issues or requests this subpoena, are

2) Motions and Petitions to correct all improper procedures of all past sales, mergers,
acquisitions of all financial (all industries) in the past also (if correct) Encompass with proper
1) Pennsylvania Public School Employees Retirement System Comprehensive Annual Financial
Report, PSERS 2009 (All years, all editions, all legal and equitable contents and all US
States similar to veranda also)

Pro Se

AO 88 (Rev 06/09) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action (page 2)

Page 2 of 5

Civil Action No Fed:5-V-4457 And All others

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for (name of individual and title, if any) United States Bankruptcy Court, SDNY,
One Bowling Green, Room 534 - AN Room -
was received by me on (date) New York, New York 10004

☒ I served the subpoena by delivering a copy to the named person as follows

sent via US Mail with US Bankruptcy Court Form 1967396087 - B10 (b6) 12/08 Proof of claim and
US Court of Appeals (AN Name) (AN updated) on (date) 10/12/2010, or
Discrim Stamped document (Legal) dated Oct 23, 2009
☐ I returned the subpoena unexecuted because _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0 00

I declare under penalty of perjury that this information is true

Date 10/12/2010

Please legally reply in legal
writings on all outcomes of
all Lehman Brothers, all
General Motors and all others
to all US Supreme Court, US Court
of Appeals (AN Name), US
District Courts and All others

All Homeless -
Beck & all me (Action Action)
Server's signature
BE Smith & All Others (Action Action)
Printed name and title
State Supreme Court, 717 Madison Place
Washington, DC 20434 (All US
Server's address
Court Addresser)

Additional information regarding attempted service, etc

③ All possible ways of all possible involvements, possible
associations, all possible connections, all possible relations of
all legally involved and equitably involved against (all ways)
The plaintiffs (all ways) - against.

Example (legal) possible also: Wilmington Trust (Both LBS & GM)
and the State of Delaware, the plaintiffs like in Delaware and
also National Penn and more to the ASI and all Accounting
Entities and Individuals (All possible Trusts (RE company) all possible
co-workers of the plaintiffs (all ways) Trusts: Beck & all

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena

(1) *Avoiding Undue Burden or Expense, Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply.

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that

(i) fails to allow a reasonable time to comply,

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held,

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires

(i) disclosing a trade secret or other confidential research, development, or commercial information,

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party, or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship, and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information.

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must

(i) expressly make the claim, and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has, must not use or disclose the information until the claim is resolved, must take reasonable steps to retrieve the information if the party disclosed it before being notified, and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(i).

Petitions And Motions And Appeals

8 (Rev. 06/09) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action

Page 1062

UNITED STATES DISTRICT COURT

RECEIVED

OCT 23 2009

United States Court of Appeals
For The Federal Circuit

Civil Action No Fed:5-cv-4457 And
Others

SUBPOENA TO APPEAR AND TESTIFY AT A HEARING OR TRIAL IN A CIVIL ACTION

To: United States Supreme Court, one First Street, NE, Washington DC 20543 and
all 11 Federal Circuits

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment.

- ① All recent orders (with no pen signature?) from all United States Courts in Philadelphia, Pennsylvania are appealed (although previously legally involved in all higher United States Courts)

Place

Please Send

Courtroom No

States Courts

Date and Time

Please have the appropriate judge sign these orders.

You must also bring with you the following documents, electronically stored information, or objects (blank if not applicable): Please send

- ② A Homeless person (the plaintiff) all being denied the rights to handle deliver all legal packages in USDC in Allentown Pennsylvania to be sent through the United States Courts in Philadelphia systems to higher US Courts

The provisions of Fed. R. Civ. P. 45(c) relating to your protection as a person subject to a subpoena, and Fed. R. Civ. P. 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached

- ③ Please see all recent imprisonments and arrests for legal citations (standing up for my rights) also.

Date 10/19/2009

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Signature of Attorney

Pr 5c

The name, address, e-mail, and telephone number of the attorney representing (name of party)

no phone # federal subpoena system, who issues or requests this subpoena, are.

- ④ All legal documents and exhibits and others legally attached and now sent as well as United States Certified Mail 7008 1140 0004 8064 8605

BE Smith & Others now not allowed to file in either Courts and US Courts in Allentown Pennsylvania - Please see all legal citations in the future.

1. The first part of the document is a list of the names of the persons who were present at the meeting. The names are listed in alphabetical order. The names are: [illegible]

2. The second part of the document is a list of the topics that were discussed at the meeting. The topics are listed in alphabetical order. The topics are: [illegible]

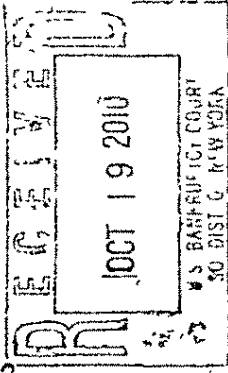
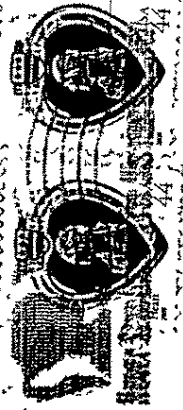
3. The third part of the document is a list of the actions that were taken at the meeting. The actions are listed in alphabetical order. The actions are: [illegible]

BE Smith & All others c/o
Fed: 5-00-4457 And All others c/o
United States Court of Appeals
(All Names) c/o SEC
100 F Street, NE
Washington, DC
20549-0213

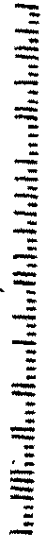
LEHIGH VALLEY PA 180

16 OCT 2010 PM 3 L

United States Bankruptcy Court
Southern District of New York
SDNY - Lehman Brothers And various others
One Bowling Green, Room 534
New York, New York
10004



10004+1453



10/18/2010

cc Madrigal

INVEST

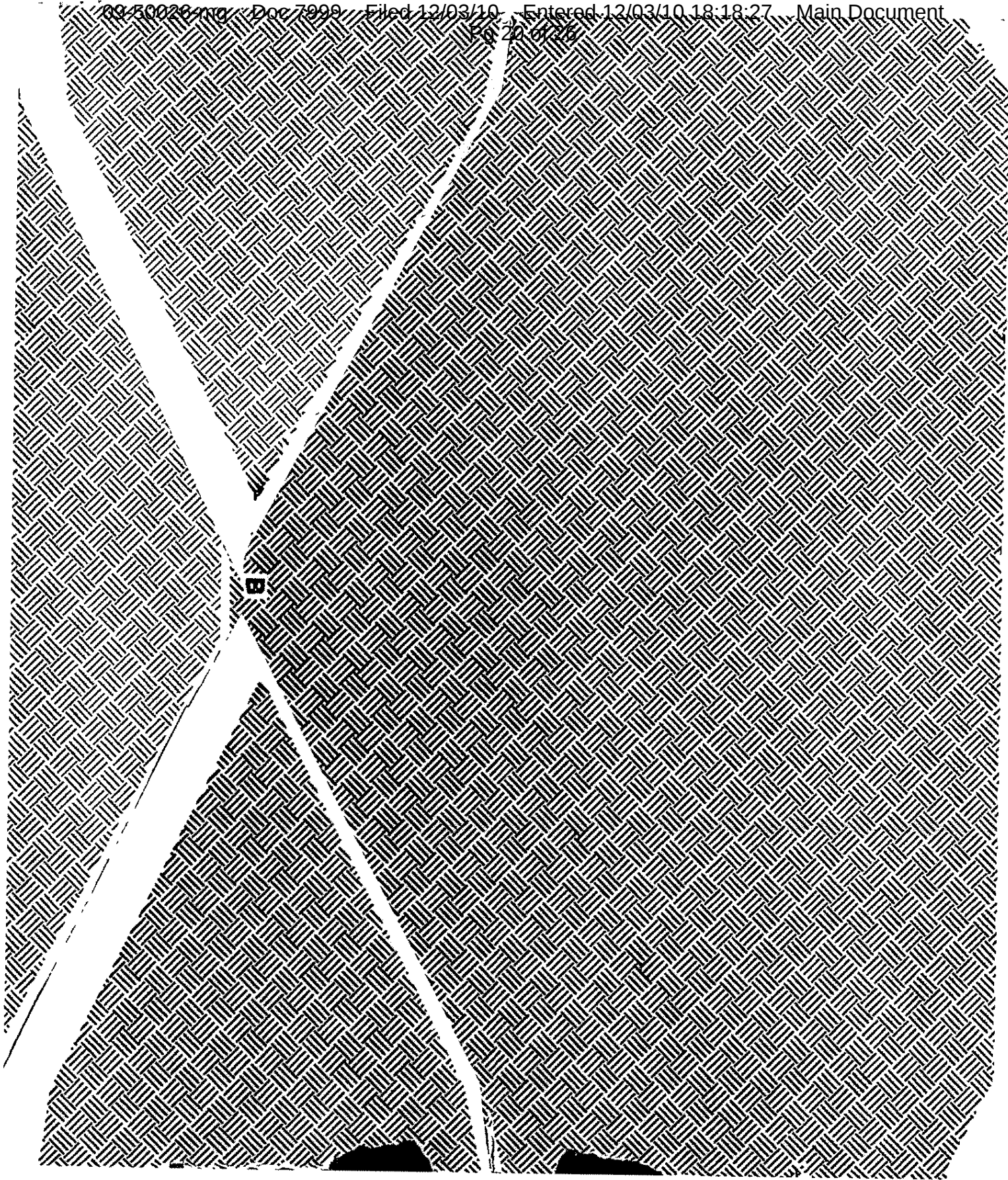


Exhibit "B"

CS6

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Beverly E. Smith,
Beverly Bob Productions LLC,
Men's Rights Foundation.

Plaintiff(s),

CIVIL ACTION

v.

NO. 05-4457

Mary B. Wagner et al.,

Defendant(s).

FILED

JUN 15 2006

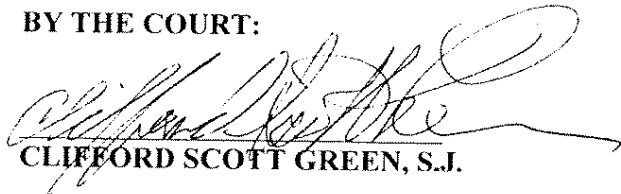
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk**ORDER**

Presently pending is Plaintiff Beverly E. Smith's Motion to Proceed In Forma Pauperis. AND NOW this 14th day of June, 2006 **IT IS HEREBY**

ORDERED that Plaintiff Smith has not established his financial eligibility for in forma pauperis status, nevertheless, this court will conditionally grant him such status for the purpose of filing the present "Complaint."

After reviewing Plaintiff Smith's Complaint this court concludes that it does not have subject matter jurisdiction over any of the matters asserted by Plaintiff Smith. Accordingly, this Court dismisses Plaintiff Smith's Complaint without prejudice as to causes of action alleged on his own behalf and dismisses with prejudice causes of action brought on behalf of Beverly Bob Productions LLC and The Men's Rights Foundation. ¹

BY THE COURT:


CLIFFORD SCOTT GREEN, S.J.

6/15/06 mal:
Beverly Bob Men Rights
Smith

¹The Complaint fails to disclose any basis for Mr. Smith to assert causes of action belonging to third persons including Beverly Bob Productions LLC and the Men's Rights Foundation. Nor does the Complaint disclose that Mr. Smith is a member of the bar of this Court authorized as an attorney to represent Beverly Bob Productions and the Men's Rights Foundation as an attorney.

ENTERED

JUN 15 2006

CLERK OF COURT

Exhibit “C”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BEVERLY E. SMITH, et al., :
 :
 Plaintiffs, :
 : CIVIL ACTION
 v. : No. 05-CV-4457
 :
 MARY B. WAGNER, et al., :
 :
 :
 Defendants. :

ORDER

AND NOW, this 14th day of October, 2009, it appearing to the Court that Plaintiff is again endeavoring to file a number of documents in this matter which appear unintelligible, it is hereby ORDERED that Plaintiff is precluded from making any further filings in this case and that the Clerk of the Court shall accept no further filings in this case.¹ It is further ORDERED that the Clerk of the Court shall mail a copy of this Order to Plaintiff and return the documents Plaintiff has attempted to file.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.

¹ Plaintiff's case was terminated by this Court on August 6, 2007 (Doc. No. 37). Plaintiff subsequently appealed and this appeal was dismissed on April 7, 2009 (Doc. No. 43). Plaintiff has subsequently filed several motions, all of which were unintelligible as is Plaintiff's instant submission. This order in no way prevents Plaintiff from filing a new complaint should Plaintiff have new legal claims.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
	:	
In re	:	Chapter 11 Case No.
	:	
MOTORS LIQUIDATION COMPANY, et al.,	:	09-50026 (REG)
f/k/a General Motors Corp., et al.	:	
	:	
Debtors.	:	(Jointly Administered)
	:	
-----X		

**ORDER GRANTING DEBTORS' OBJECTION TO
PROOF OF CLAIM NO. 70464 FILED BY BEVERLY E. SMITH**

Upon the Objection, dated December 3, 2010 (the “**Objection**”),¹ of Motors Liquidation Company (f/k/a General Motors Corporation) and its affiliated debtors, as debtors in possession (collectively, the “**Debtors**”), pursuant to section 502(b) of title 11, United States Code (the “**Bankruptcy Code**”), Rule 3007(a) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and this Court’s order establishing the deadline for filing of proofs of claim of certain Debtors and procedures relating to the filing of proofs of claim (the “**Bar Date Order**”), ECF No. 4079, seeking entry of an order disallowing and expunging the Smith PoC on the grounds that such claim does not include sufficient documentation to ascertain the validity of the claim, all as more fully described in the Objection; and due and proper notice of the Objection having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought in the Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the

¹ Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

legal and factual bases set forth in the Motion establish just cause for the relief granted herein;
and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Objection is granted as provided
herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the Smith
PoC (Proof of Claim No. 70464) is disallowed and expunged in its entirety; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all
matters arising from or related to this Order.

Dated: New York, New York
[____], 2011

United States Bankruptcy Judge